

**PATTON BOGGS LLP**

RECEIVED  
FEDERAL ELECTION  
COMMISSION

2012 MAY 17 PM 2:14

**CELA**

2550 M Street, NW  
Washington, DC 20037  
202-457-6000

Facsimile 202-457-6315  
[www.pattonboggs.com](http://www.pattonboggs.com)

May 17, 2012

William J. McGinley  
202-457-6561  
[wmcginley@pattonboggs.com](mailto:wmcginley@pattonboggs.com)

**VIA E-MAIL & COURIER**

Jeff S. Jordan, Esquire  
Supervisory Attorney  
Office of the General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Re: RR 12L-14  
Bachmann for Congress

Dear Mr. Jordan:

Please find attached the reply of our clients, Bachmann for Congress and Dan Puhl, as Treasurer, to the Federal Election Commission's ("Commission") notification that a referral has been received by the Office of the General Counsel for possible enforcement proceedings in the above-captioned matter.

Please do not hesitate to contact us with any questions.

Respectfully submitted,



William J. McGinley  
Benjamin Wood

Attachment

13044332810

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of	)	
	)	RR 12L-14
Bachmann for Congress	)	
and Dan Puhl, as Treasurer	)	

**REPLY OF BACHMANN FOR CONGRESS AND DAN PUHL, AS TREASURER, TO  
THE REFERRAL FROM THE REPORTS ANALYSIS DIVISION**

This responds on behalf of our clients, Bachmann for Congress and Dan Puhl, as treasurer (collectively the "Campaign"), to the notification from the Federal Election Commission ("Commission") that the Reports Analysis Division ("RAD") has referred this matter to the Office of the General Counsel ("OGC") for possible enforcement action. The referral concerns amendments filed for various Reports beginning with the 2008 30 Post-General Report through the 2011 April Quarterly Report, and specifically the alleged additional disclosure of a total of \$220,251.46 in receipts and \$217,045.77 in disbursements over the same time period. For the reasons explained below, the allegations should be referred for Alternative Dispute Resolution and the Commission should decline to open an enforcement action under 2 U.S.C. § 437g.

The only allegations identified in the referral for the 2008 election cycle concern \$600.00 in additional disbursements for the 2008 30 Day Post-General Report and \$272.10 in additional disbursements for the 2008 Year End Report. During the 2008 election cycle, the Campaign received 25,820 contributions from 17,189 contributors totaling \$3,452,487.17 in receipts for the entire 2008 election cycle. The Campaign also spent a total of \$3,503,198.21 during the 2008 election cycle. Similarly, with respect to the 2012 election cycle, the only discrepancy alleged in the RAD referral concerns \$703.73 in additional receipts for the 2011 April Quarterly Report. These alleged 2008 and 2012 discrepancies are comparatively *de minimis*, do not warrant enforcement action, and are appropriately resolved in ADR.

13044332811

13044332812

The remaining allegations in the referral center on Reports filed during the 2010 election cycle. During the 2010 election cycle, the Campaign's receipts dramatically increased, including a striking increase in the number of low-dollar donors. The Campaign received 250,123 contributions from 147,662 contributors for a total of \$13,430,341.49 in receipts for the 2010 election cycle. The Campaign also spent \$11,411,076.04 during the cycle.

In light of the Campaign's rapidly and dramatically increased financial activity in the 2010 election cycle, as discussed above, the amount of additional receipts and disbursements identified in the referral constitute a minor fraction of the Campaign's total financial activity. For example, the referral identified \$220,251.46 in additional receipts. This amount constitutes approximately 1.3% of the \$16,882,828.66 received by the Campaign during the 2008 and 2010 election cycles combined, and approximately 1.6% of the \$13,430,341.49 received by the Campaign during the 2010 election cycle. The referral also identified \$217,045.77 in additional disbursements.<sup>1</sup> This amount constitutes approximately 1.5% of the \$14,914,274.25 spent by the Campaign during the 2008 and 2010 election cycles combined, and approximately 1.9% of the \$11,411,076.04 spent by the campaign during the 2010 election cycle.

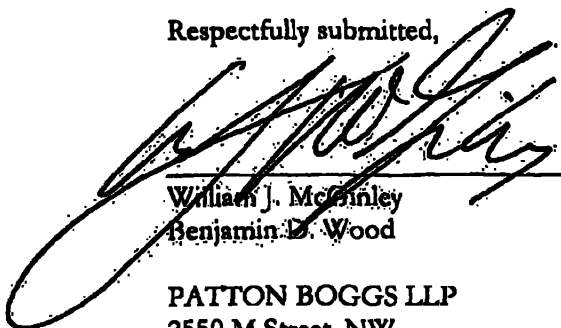
After the 2010 general election, the Campaign proactively initiated an internal review to examine the dramatic increase in receipts and disbursements during the 2010 election cycle and in an effort to ensure compliance with the reporting requirements under the Act and Commission regulations. Shortly after the review was completed, the Campaign began amending its Reports on its own initiative. Notably, these good-faith, self-corrective actions all predate the RAD referral in this matter.

---

<sup>1</sup> We note that \$137,962.50 of the total amount of additional disbursements identified in the referral are from the 2010 12 Day Pre-General Report. This Report was a mid-month cut-off for the reporting period and credit card expenses were not recorded until the bank statements came at the end of the month. As the information was received by the Campaign, amendments were filed on November 3, 2010, November 17, 2010, and November 22, 2010 updating this information, well in advance of the May 18, 2011 amendment identified in the referral.

In light of the record in this matter, we respectfully request that the Commission refer this matter to ADR for resolution. The Campaign's demonstrated willingness to take responsibility and improve compliance strongly indicates that ADR would be an appropriate and successful route for resolution here.

Respectfully submitted,



William J. McKinley  
Benjamin D. Wood

PATTON BOGGS LLP  
2550 M Street, NW  
Washington, DC 20037  
P: (202) 457-6000  
F: (202) 457-6315

May 17, 2012